Received: 02/26/2003

2003 DRAFTING REQUEST

Bill

| Receive | ed: 02/26/2003 | | | | Received By: pl | ahler | | | |
|--|-----------------------|---------------------------------------|---------------------------------------|-----------------|------------------------|----------------|---------------------------------------|--|--|
| Wanted: As time permits | | | | | Identical to LRB: | | | | |
| For: John Lehman (608) 266-0634 | | | | | By/Representing | : Jo Stoll | | | |
| This file | e may be shown | to any legislate | or: NO | | Drafter: pkahler | • | | | |
| May Co | ontact: | | | | Addl. Drafters: | | | | |
| Subject | : Insuran | ice - auto | | | Extra Copies: | | | | |
| Submit | via email: YES | | | | | | | | |
| Request | ter's email: | Rep.Lehm | anJ@legis.s | state.wi.us | | | | | |
| Carbon | copy (CC:) to: | | | | | | | | |
| Pre To | pic: | · · · · · · · · · · · · · · · · · · · | · · · · · · · · · · · · · · · · · · · | | | | | | |
| No spec | cific pre topic gi | ven | | | | | | | |
| Topic: | | | | | | | | | |
| Require | insurers to offe | r sponsorship c | coverage (for | r driver licens | se sponsorship for | underage child | lren) | | |
| Instruc | ctions: | | -74 , 20 , 20 , | | | | · · · · · · · · · · · · · · · · · · · | | |
| See Att | ached | | | | | | | | |
| Draftin | ng History: | | | | | | | | |
| Vers. | Drafted | Reviewed | Typed | Proofed | Submitted | Jacketed | Required | | |
| /? | pkahler 02/27/2003 | csicilia 02/27/2003 | | | | | | | |
| /P1 | | | jfrantze 02/28/200 |)3 | sbasford 02/28/2003 | | | | |
| /1 | pkahler | csicilia | jfrantze | | mbarman | | | | |

| Vers. | <u>Drafted</u> | Reviewed | Typed | Proofed | Submitted | <u>Jacketed</u> | Required |
|-------|-----------------------|--|------------------------|----------------|------------------------|------------------------|----------|
| | 03/14/2003 | 03/21/2003 | 03/24/2003 | 3 | 03/24/2003 | | |
| /2 | pkahler 04/01/2003 | csicilia 04/01/2003 csicilia 04/01/2003 | rschluet 04/02/2003 | 3 | amentkow 04/02/2003 | amentkow 07/29/2003 | |

FE Sent For:

<END>

Received: 02/26/2003

2003 DRAFTING REQUEST

Received By: pkahler

Bill

| Wanted: | As time perm | its | | | Identical to LRB | : | |
|--|-----------------------|------------------------|---------------------------|---------------|------------------------|-----------------|----------|
| For: Joh | nn Lehman -(60 | 08) 266-0634 | By/Representing: Jo Stoll | | | | |
| This file may be shown to any legislator: NO | | | | | Drafter: pkahler | | |
| May Co | ntact: | | | | Addl. Drafters: | | |
| Subject: | Insuran | ce - auto | | | Extra Copies: | | |
| Submit | via email: YES | | | | | | |
| Request | er's email: | Rep.Lehma | anJ@legis.st | tate.wi.us | | | |
| Carbon | copy (CC:) to: | | | | | | |
| Pre To | pic: | | | | | | |
| No spec | ific pre topic gi | ven | | | | | |
| Topic: | | | | - | | | |
| Require | insurers to offe | r sponsorship c | overage (for | driver licens | se sponsorship for | underage child | lren) |
| Instruc | tions: | | | | | | - |
| See Atta | ached | | | | | | |
| Draftin | g History: | <u> </u> | | | | | |
| Vers. | Drafted | Reviewed | Typed | Proofed | Submitted | <u>Jacketed</u> | Required |
| /? | pkahler 02/27/2003 | csicilia 02/27/2003 | | | | | |
| /P1 | • | | jfrantze 02/28/200 | 3 | sbasford 02/28/2003 | | |
| /1 | pkahler | csicilia | jfrantze | ** | mbarman | | |
| | | | | | | | |

04/02/2003 12:38:25 PM Page 2

| Vers. | <u>Drafted</u> | Reviewed | Typed | Proofed | Submitted | <u>Jacketed</u> | Required |
|-------|-----------------------|--|-----------------------|---------|------------------------|-----------------|----------|
| | 03/14/2003 | 03/21/2003 | 03/24/200 | 3 | 03/24/2003 | | |
| /2 | pkahler 04/01/2003 | csicilia 04/01/2003 csicilia 04/01/2003 | rschluet 04/02/200 | 3 | amentkow 04/02/2003 | | |

FE Sent For:

<**END**>

2003 DRAFTING REQUEST

Bill

| Received: 02/26/2003 | | | | | Received By: pkahler | | | |
|--|-----------------------|------------------------|-----------------------|-----------------|------------------------|----------------|------------|--|
| Wanted: As time permits | | | | | Identical to LRB: | | | |
| For: John Lehman (608) 266-0634 | | | | | By/Representing | : Jo Stoll | | |
| This file | may be shown | to any legislato | or: NO | | Drafter: pkahler | | | |
| May Co | ntact: | | | | Addl. Drafters: | | | |
| Subject: | Insuran | ce - auto | | | Extra Copies: | TNF, PJF | I . | |
| Submit v | via email: YES | | | | | | | |
| Requeste | er's email: | Rep.Lehma | anJ@legis.s | tate.wi.us | | | | |
| Carbon o | copy (CC:) to: | | | | | | | |
| Pre Top | oic: | | | | | | | |
| No speci | ific pre topic gi | ven | | , | | | | |
| Topic: | | | | | | V-1 | | |
| Require | insurers to offe | r sponsorship c | coverage (for | r driver licens | e sponsorship for | underage child | lren) | |
| Instruc | tions: | | | | | | | |
| See Atta | ched | | | | | | | |
| Draftin | g History: | | | | | | | |
| Vers. | <u>Drafted</u> | Reviewed | <u>Typed</u> | Proofed | Submitted | Jacketed | Required | |
| /? | pkahler 02/27/2003 | csicilia 02/27/2003 | | · . | | | | |
| /P1 | | | jfrantze 02/28/200 |)3 | sbasford 02/28/2003 | | | |
| ; /1 · | pkahler | csicilia | jfrantze | D3PG | mbarman 7 | | | |

03/24/2003 12:08:51 PM Page 2

 Vers.
 Drafted
 Reviewed
 Typed
 Proofed
 Submitted
 Jacketed
 Required

 03/14/2003
 03/21/2003
 03/24/2003
 03/24/2003
 03/24/2003
 03/24/2003

FE Sent For:

2 is 4/1

<END>

Received: 02/26/2003

2003 DRAFTING REQUEST

| | _ |
|------|---|
| 13:1 | п |
| KII | |
| | |

| Received | : 02/26/2003 | | | | Received By: pk | ahler | | | |
|--|-----------------------|------------------------|---------------------------------------|------------------|------------------------|-----------------|----------|--|--|
| Wanted: As time permits | | | | | Identical to LRB: | | | | |
| For: John Lehman (608) 266-0634 | | | | By/Representing | : Jo Stoll | | | | |
| This file may be shown to any legislator: NO | | | | | Drafter: pkahler | | | | |
| May Con | tact: | | | | Addl. Drafters: | | | | |
| Subject: | Insurar | ice - auto | | | Extra Copies: | TNF, PJI | H | | |
| Submit v | ia email: YES | | | | | | | | |
| Requeste | r's email: | Rep.Lehm | anJ@legis. | state.wi.us | | | | | |
| Carbon c | opy (CC:) to: | | | | | | | | |
| Pre Topi | ic: | | · · · · · · · · · · · · · · · · · · · | | 100 | | | | |
| No specif | fic pre topic gi | iven | | | | | | | |
| Topic: | | | | | | | | | |
| Require i | nsurers to offe | er sponsorship o | coverage (fo | or driver licens | se sponsorship for | underage child | lren) | | |
| Instructi | ions: | | | | | | , | | |
| See Attac | ched | | | | | | | | |
| Drafting | History: | | | | | | | | |
| Vers. | <u>Drafted</u> | Reviewed | Typed | Proofed | Submitted | <u>Jacketed</u> | Required | | |
| /? | pkahler 02/27/2003 | csicilia 02/27/2003 | | | | | | | |
| /P1 | 4 | 95 3/20 03 | jfrantze 02/28/200 | 03 | sbasford 02/28/2003 | | | | |

02/28/2003 10:17:05 AM Page 2

FE Sent For:

<**END**>

2003 DRAFTING REQUEST

Bill

Received: 02/26/2003 Received By: pkahler

Wanted: **As time permits** Identical to LRB:

For: John Lehman (608) 266-0634 By/Representing: Jo Stoll

This file may be shown to any legislator: **NO**Drafter: **pkahler**

May Contact: Addl. Drafters:

Subject: Insurance - auto Extra Copies: TNF, PJH

Submit via email: YES

Requester's email: Rep.LehmanJ@legis.state.wi.us

Carbon copy (CC:) to:

No specific pre topic given

Topic:

Pre Topic:

Require insurers to offer sponsorship coverage (for driver license sponsorship for underage children)

Instructions:

See Attached

Drafting History:

<u>Vers.</u> <u>Drafted</u> <u>Reviewed</u> <u>Typed</u> <u>Proofed</u> <u>Submitted</u> <u>Jacketed</u> <u>Required</u>

/? pkahler $p_1 \dot{y} = \frac{2}{2} \frac{127}{3} \frac{1}{3} \frac{1}$

FE Sent For:

<END>

Bill Request Form

Legislative Reference Bureau 100 N. Hamilton Street

Legal Section 266-3561

| You may use this form or talk directly with the LRB attorney who will draft the bill. |
|---|
| Date |
| Legislator, agency, or other person requesting this draft |
| Person submitting request (name and phone number) S+oll |
| Persons to contact for questions about this draft (names and phone numbers) <u>Stoll</u> |
| Describe the problem, including any helpful examples. How do you want to solve the problem? |
| Please draft à bill requiring all insurance |
| companies and agents to specifically offer rovering e for parents applying for driver's licenses on behalf of under-lige wildren along when explanation of the risk if Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy. See attached letter from attorney Advisor School 1999 AB-67). |
| Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO If yes: Anyone who asks? YES NO |
| Any legislator? YES NO Only the following persons |
| Do you consider this request urgent? YES NO If yes, please indicate why Should we give this request priority over any pending request of this legislator, agency, or person? |

SCHOONE, LEUCK, KELLEY, PITTS & KNURR, S.C.

Attorney and Counselors at Law 6800 Washington Avenue, Suite 100 P. O. 085600 Racine, Wisconsin 53408-5600

Phone: (262) 886-8240

Fax: (262) 886-5562

August 27, 2001

Bonnie L. Ladwig 113 W. State Capitol P. O. Box 8952 Madison, WI 53708

Re:

Sponsorship insurance coverage for Wisconsin parents of underage drivers

Dear Mrs. Ladwig:

You may remember that about six years ago, at the time of the misnomered "tort reform" legislation, my partner Jim Pitts explained to you that your support for such legislation was misguided, because it would not reduce insurance premiums and would certainly deprive Wisconsin citizens of expected benefits. Since that time, dozens of our clients have been chagrined to learn their uninsured and underinsured benefits are diminished because of the legislation you supported.

You now have the opportunity to correct a problem for your constituents. Insurers writing motor vehicle policies in Wisconsin do not provide any sponsorship coverage for parents applying for driver's licenses on behalf of under-age children. This can be demonstrated vividly if you have some interest in the matter. Legislation is needed requiring all insurance companies and agents to specifically offer such coverage, together with explanation of the risk if not purchased.

We consider you to be a conscientious public servant, who was simply misinformed by the insurance industry at the time of our earlier discussions. But if we don't get your response on this important issue, we'll seek help for our clients elsewhere.

Best personal wishes.

Sincerely,

Adrian P. Schoone

APS:jas

bcc: Mr. John Lehman



State of Misconsin 2003 - 2004 LEGISLATURE

LRB-2157/2 PJK:.....

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-voxe

parent, stepparent

- gen cat

AN ACT :; relating to: insurance coverage for sponsors of minors applying for

driver's licenses.

Analysis by the Legislative Reference Bureau

Under current law, the application of a minor for a driver's license must be signed by his or her parent,. If the minor causes damage while operating a motor vehicle, the adult sponsor is jointly and severally liable, along with the minor, for the damages caused by the minor's negligence or willful misconduct.

This bill requires every insurer that offers motor vehicle liability insurance to offer sponsorship coverage for damages for which an adult sponsor is liable as a result of the negligence or willful misconduct of the minor that the adult is sponsoring.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 632.33 of the statutes is created to read:

632.33 Sponsorship coverage. Every insurer that offers motor vehicle liability insurance shall offer sponsorship coverage that insures against the liability under s. 343.15 (2) (b) of a parent, stepparent, or other adult who sponsors a minor

steppersont, or other adust sponeor

1

2

3

4

5

6

6

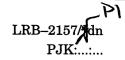
LRB-2157/? PJK:...:... SECTION 1

| 1 | under s. 343.15 for damages resulting from the negligence or willful misconduct of |
|---|--|
| 2 | the minor while operating a motor vehicle. |
| 3 | SECTION 2. Effective date. |
| 4 | (1) This act takes effect on the first day of the 7th month beginning after |
| 5 | publication. |

(END)

J- The

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU



1. This draft does not yet include the part of the request related to an explanation of the risk assumed by a person who does not purchase sponsorship coverage. I don't know how you want an insurer to provide the explanation. Do you want every motor vehicle insurance policy to include the explanation? It wouldn't make much sense to include the explanation in the policy of sponsorship coverage because, presumably, the person purchasing the coverage would know the risk and that is why he or she is purchasing the coverage. It would be more appropriate for someone who has not purchased the coverage to have the explanation.

2. Do you want a different effective date? Six months may not be enough time for developing the coverage.

Pamela J. Kahler Senior Legislative Attorney Phone: (608) 266–2682

E-mail: pam.kahler@legis.state.wi.us

Let me know how you want the explanation provided.

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-2157/P1dn PJK:cjs:jf

February 28, 2003

- 1. This draft does not yet include the part of the request related to an explanation of the risk assumed by a person who does not purchase sponsorship coverage. I don't know how you want an insurer to provide the explanation. Do you want every motor vehicle insurance policy to include the explanation? It wouldn't make much sense to include the explanation in the policy of sponsorship coverage because, presumably, the person purchasing the coverage would know the risk and that is why he or she is purchasing the coverage. It would be more appropriate for someone who has not purchased the coverage to have the explanation. Let me know how you want the explanation provided.
- 2. Do you want a different effective date? Six months may not be enough time for developing the coverage.

Pamela J. Kahler Senior Legislative Attorney

Phone: (608) 266–2682

E-mail: pam.kahler@legis.state.wi.us



March 12, 2000

Ms. Pamela Kahler Senior Legislative Attorney Legislative Reference Bureau 100 N. Hamilton – 5th Floor Madison, WI 53702

State Representative John Lehman

62nd Assembly District

Dear Ms. Kahler:

Enclosed is a letter from attorney James A. Pitts responding to your drafting note on LRB-2157, a bill relating to insurance coverage for sponsors of minors applying for driver's licenses.

I would appreciate your re-drafting my proposal to include Mr. Pitts' recommendations.

Thank you. Please feel free to contact me if you have any questions.

Sincerely,

State Capitol: P.O. Box 8952 Madison, WI 53708

Toll-free: 1-888-534-0062 (608) 266-0634

E-Mail:

rep.lehmanj@legis.state.wi.us

JL/jms Fax: (608) 282-3662 enc.

Home: 708 Orchard Street Racine, WI 53405 (262) 632-3330

Printed on recycled paper.

SCHOONE, LEUCK, KELLEY, PITTS, & KNURR S.C.

Trial Lawvers

Attorneys:
Adrian P. Schoone

Mark J. Leuck

Daniel J. Kelley

James A. Pitts Timothy S. Knurr

Chris G. Halverson

Dennis J. Flynn, Of Counsel

6800 Washington Avenue P.O. Box 085600

Racine, Wisconsin 53408-5600

Phone: (262) 886-8240 Fax: (262) 886-5562

E-mail:
japitts@pittslaw.com
Web Home Page:
http://www.pittslaw.com

March 7, 2003

Paralegals:

Randal S. LeCount Robert A. DeRose

Gregory A. Pitts Melissa K. Brown

State Capitol P.O. Box 8952 Madison, WI 53708

Attention:

State Representative John Lehman

Re:

Proposed Legislation Regarding Motor Vehicle Probationary

License Sponsorship Liability Insurance

Dear Representative Lehman:

Mr. Schoone asked me to review your letter to him of March 4, 2003, and to comment on the proposed legislation by your colleague, drafting Attorney Pamela Kahler regarding motor vehicle probationary license sponsorship liability insurance.

As Mr. Schoone's prior correspondence to Representative Ladwig had cogently pointed out, the problem is that under current law, sponsoring parents who are civilly liable for all damages arising out of negligent driving by their probationary licensed children must share the bodily injury liability limits of their insurance policy with their children. Parents do not have separate, stackable insurance coverage. Typically, when parents sponsor a child's probationary license and notify their insurance agents that they have a new probationary licensed driver in the family who needs auto coverage, the parents realize that they are subject to liability, and assume that the coverage afforded to the newly licensed and insured child is coverage that is separate and apart from the coverage applicable to the parents. They are often shocked and dismayed to learn, after a tragic accident caused by the negligence of the child, that they share the same limits of coverage with the child, and that such limits are often wholly inadequate to protect their assets from liability exposure.

In order to remedy this situation, any new legislation should be crystal clear that insurers must offer to persons who sponsor probationary licensees bodily injury liability coverage in certain minimum limits, which is in addition to the coverage for the

probationary licensee, and that is not subject to reduction by the coverage available to the probationary licensee. We would suggest that the proposed bill include the following language:

Sponsorship coverage. Every insurer that offers motor vehicle liability insurance shall offer sponsorship coverage that insures against the liability under s. 342.15(2)(b) of a parent, stepparent, or other adult who sponsors a minor under s. 343.15 for damages resulting from the negligence or willful misconduct of the minor while operating a motor vehicle. The sponsorship coverage shall contain bodily injury liability limits of not less than \$50,000 per person and \$100,000 per accident. Notwithstanding the provisions of s. 632.32(5), no provision in any such policy may act to reduce the amount payable under the policy pursuant to this section by any amounts paid or payable pursuant to any other policy of automobile liability insurance.

Please do not hesitate to contact us further if you have any questions.

Sincerely,

James A. Pitts

James A. Pitts

Cc: John Lehman

2421 James Boulevard Racine, WI 53403



State of Misconsin 2003 - 2004 LEGISLATURE

LRB-2157/Pi

y mis run

PRELIMINARY DRAFT NOT READY FOR INTRODUCTION

J-voe

1

2

3

4

5

6

AN ACT to create 632.33 of the statutes; relating to: insurance coverage for

sponsors of minors applying for driver's licenses.

Analysis by the Legislative Reference Bureau

Under current law, the application of a minor for a driver's license must be signed by his or her parent, stepparent, or other adult sponsor. If the minor causes damage while operating a motor vehicle, the parent, stepparent, or other adult sponsor is jointly and severally liable, along with the minor, for the damages caused by the minor's negligence or willful misconduct.

This bill requires every insurer that offers motor vehicle liability insurance to offer sponsorship coverage for damages for which an adult sponsor is liable as a result of the negligence or willful misconduct of the minor that the adult is sponsoring.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1. 632.33 of the statutes is created to read:

632.33 Sponsorship coverage. Every insurer that offers motor vehicle liability insurance shall offer sponsorship coverage that insures against the liability under s. 343.15 (2) (b) of a parent, stepparent, or other adult who sponsors a minor

under s. 343.15 for damages resulting from the negligence or willful misconduct of the minor while operating a motor vehicle.

SECTION 2. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.

(END)

D. Lo

2003–2004 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-2157/P1ins PJK:cjs:jf

INSERT A

The sponsorship coverage must have liability limits of at least \$50,000 per person and \$100,000 per accident for bodily injury, and the limits may not be reduced by amounts paid or payable under another motor vehicle insurance policy.

(END OF INSERT A)

INSERT 2-2

- 1 Wort The sponsorship coverage shall have bodily injury liability limits of at least
- 2 \$50,000 per person and \$100,000 per accident. Notwithstanding s. 632.32 (5), the
- 3 limits of the sponsorship coverage may not be reduced by any amounts paid or
- 4 payable under any other policy of motor vehicle liability insurance.

(END OF INSERT 2-2)

| D-note |
|--|
| |
| |
| This version of the draft adds the |
| poposed |
| I language related to limits and |
| This version of the draft adds the proposed Language related to limits and |
| - prohibiting a & reduction in those |
| V 3 |
| limits for other comments and |
| limits for other amounts paid, |
| |
| The It would be preparable to |
| |
| spenty to which paragraph Cor |
| ma (23 22 (-) |
| paragraphs) under 2, 632, 32(5) |
| |
| We are notwithstanding, since not |
| |
| al of them are applicable. I would |
| it is not clear |
| have done so myself, but it s'uit clear |
| do apply. |
| to me which one for ones dooppy, |
| |
| Is profit Do you want to specify one |
| 03 |
| or more paragraphs and, y so, |
| 1 0 1 |
| which one (ones)? |
| |
| |
| T-UC |

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB–2157/1dn PJK:cjs:jf

March 24, 2003

This version of the draft adds the proposed language related to limits and prohibiting a reduction in those limits for other amounts paid. It would be preferable to specify which paragraph (or paragraphs) under s. 632.32 (5) we are notwithstanding, since not all of them are applicable. I would have done so myself, but it is not clear to me which one or ones do apply. Do you want to specify one or more paragraphs and, if so, which one (ones)?

Pamela J. Kahler Senior Legislative Attorney Phone: (608) 266–2682

E-mail: pam.kahler@legis.state.wi.us

SCHOONE, LEUCK, KELLEY, PITTS, & KNURR S.C.

Trial Lawyers

Paralegals:

Randal S. LeCount

Robert A. DeRose

Gregory A. Pitts

Melissa K. Brown

Attorneys: 6800 Washington Avenue
Adrian P. Schoone P.O. Box 085600

Racine, Wisconsin 53408-5600

Phone: (262) 886-8240

Timothy S. Knurr Fax: (262) 886-5562 Chris G. Halverson

Dennis J. Flynn, Of Counsel E-mail:

<u>japitts@pittslaw.com</u> Web Home Page: <u>http://www.pittslaw.com</u>

March 28, 2003

State Capitol P.O. Box 8952

Mark J. Leuck

James A. Pitts

Daniel J. Kelley

Madison, WI 53708

Attention: State Representative John Lehman

Re: Proposed Legislation Regarding Motor Vehicle Probationary

License Sponsorship Liability Insurance

Dear Representative Lehman:

This is in response to your letter to me dated March 25, 2003, following prior correspondence concerning proposed legislation regarding motor vehicle probationary license sponsorship liability insurance. You asked me to address questions suggested by Senior Legislative Attorney Pamela J. Kahler about which paragraphs of <u>Wis. Stat.</u> § 632.32 should be excluded from the scope of the new proposed legislation.

Let me answer by referring you to <u>Wis</u>. <u>Stat</u>. § 631.43(1). For many years up to 1995, that statute in its old form was one of the finest and most beneficial in our nation to protect the rights of Wisconsin auto insurance consumers who suffered serious injuries in auto accidents. The statute was referred to as the "stacking statute." It allowed victims of motor vehicle collisions to stack insurance, for which they had paid premiums, so that the available coverage would be up to the full amount of their valid personal injury claims, even if more than one policy was implicated. It was widely acclaimed as a fair statute because consumers of insurance products obtained that for which they had paid — insurance up to the limits of all paid policies, to the full extent of their losses. The statute prohibited insurers from excluding coverage based on multiple policies involved, vehicles involved, claims made, vehicles or premiums shown on the policy. If the insurer had charged a separate premium for a given coverage and the coverage applied, the victim was entitled to recover up to the extent of the loss, or the total amount of coverage available, whichever was less.

When the draconian legislation of 1995 was enacted, <u>Wis. Stat.</u> § 631.43(3) was added. 1995 Wisconsin Act 21. This clause literally gutted § 631.43(1), and legalized what had in the past been illegal under § 631.43(1). The new legislation allowed insurers to charge a separate premium for various coverages on various policies, but then to exclude such coverage when a victim whose claim exceeded the limits on one policy sought to stack the limits of other coverages or other policies. Note that subsection (3) specifically states that "Subsection (1) does not affect the rights of insurers to exclude, limit or reduce coverage under s. 632.32(5)(b), (c), or (f) to (j)." Subsection (3) gave insurers license to charge what they wanted for multiple vehicles, owners, drivers, or policies in a single family, for example, but then when the time arrived to pay the claim, to deny liability for any coverage other than the limit of one policy for one driver on a particular vehicle.

I encourage you and Attorney Kahler to review the Wisconsin Supreme Court and Court of Appeals annotations to § 631.43 in order to get a flavor for how the old law was administered by the courts. A good example is West Bend Mut. Ins. Co. v. Playman, 171 Wis.2d 37, 489 N.W.2d 915 (1992). See also Mills v. Wisconsin Mutual Ins. Co., 145 Wis.2d 472,427 N.W.2d 397 (Ct. App. 1988).

Therefore, in order to give proper effect to the new proposed legislation, it should state that "Notwithstanding s. 632.32(5)(b), (c), or (f) to (j), the limits of the sponsorship coverage may not be reduced by any amounts paid or payable under any other policy of motor vehicle liability insurance."

only (+)

The goal, again, is to prevent insurers from merging the sponsorship coverage of the parent with the coverage for the probationary driver. Each will pay a separate premium. Therefore, each should have separate coverage, fully stackable if the loss exceeds the limits of one policy.

An alternative way to write the new law would be to preface it by the language, "Notwithstanding s. 631.43(3), each insurer that offers . . ."

Thank you for your heroic efforts to bring our law back to a position of national prominence in terms of fairness to consumers. If you have any questions, please do not hesitate to contact me.

Sincerely,

James A. Pitts

James A. Pitts

Cc: John Lehman 2421 James Boulevard Racine, WI 53403



State of Misconsin 2003 - 2004 LEGISLATURE

LRB-2157

m m is hu

2003 BILL

J. Je

1

2

3

4

5

54

Regination)

AN ACT to create 632.33 of the statutes; relating to: insurance coverage for

sponsors of minors applying for driver's licenses.

Analysis by the Legislative Reference Bureau

Under current law, the application of a minor for a driver's license must be signed by his or her parent, stepparent, or other adult sponsor. If the minor causes damage while operating a motor vehicle, the parent, stepparent, or other adult sponsor is jointly and severally liable, along with the minor, for the damages caused by the minor's negligence or willful misconduct.

This bill requires every insurer that offers motor vehicle liability insurance to offer sponsorship coverage for damages for which an adult sponsor is liable as a result of the negligence or willful misconduct of the minor that the adult is sponsoring. The sponsorship coverage must have liability limits of at least \$50,000 per person and \$100,000 per accident for bodily injury, and the limits may not be reduced by amounts paid or payable under another motor vehicle insurance policy.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 632.33 of the statutes is created to read:

632.33 Sponsorship coverage. Every insurer that offers motor vehicle

liability insurance shall offer sponsorship coverage that insures against the liability

other was listility coverage or under

BILL

1 under s. 343.15 (2) (b) of a parent, stepparent, or other adult who sponsors a minor

2 under s. 343.15 for damages resulting from the negligence or willful misconduct of

3 the minor while operating a motor vehicle. The sponsorship coverage shall have

bodily injury liability limits of at least \$50,000 per person and \$100,000 per accident.

Notwithstanding 632.32 (5), the limits of the sponsorship coverage may not be

reduced by any amounts paid or payable under any other policy of motor vehicle

7 liability insurance.

SECTION 2. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.

11

10

5

8

9

(END)

> ss. 631, 43(3) and

J-note

2003–2004 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

LRB–2157/2ins PJK:ʤ͡ᢠᢋᢅᠮ

INSERT 2-7

1 or under any other liability coverage under the same policy of motor vehicle insurance

(END OF INSERT 2-7)

I liability

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-2157/2dn PJK:dzjf

45

I have modified the draft to (I think) better address the concerns related to insurers reducing the limits of the sponsorship coverage by other amounts paid or payable. My understanding is that the concern is about reducing the limits of sponsorship coverage by amounts paid (or payable) under other liability coverage under the same or another policy or by amounts paid (or payable) under sponsorship coverage under another policy. In other words, if there is more than one policy that includes sponsorship coverage, the coverages may be stacked, and the limits of the sponsorship coverage may not be reduced by amounts paid (or payable) under liability coverage under the same or another motor vehicle insurance policy.

Also, I thought that, of the paragraphs cited by Attorney Pitts under s. 632.32 (5), only s. 632.32 (5) (f) a relevant to the issue of reducing the limits of the sponsorship coverage. Paragraphs (b) and (c) relate to coverage of motor vehicle handlers (such as dealers, repair shops, service stations) and coverage under a motor vehicle handler's insurance policy; par. (g) relates to the limits of uninsured and underinsured coverage for a person not using a motor vehicle at the time of an accident; par. (h) relates to the limits of medical payments coverage for a person not using a motor vehicle at the time of an accident; par. (i) relates to reducing uninsured and underinsured coverage by other payments and includes the covering aloss resulting from use of a vehicle that is not described in the limits of sponsorship coverage by other amounts paid. If you see a problem with leaving any of these paragraphs out, however, please let me know.

juluith is liability coverage?

Pamela J. Kahler
Senior Legislative Attorney

Phone: (608) 266–2682

E-mail: pam.kahler@legis.state.wi.us

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-2157/2dn PJK:cjs:rs

April 2, 2003

I have modified the draft to (I think) better address the concerns related to insurers reducing the limits of the sponsorship coverage by other amounts paid or payable. My understanding is that the concern is about reducing the limits of sponsorship coverage by amounts paid (or payable) under other liability coverage under the same or another policy or by amounts paid (or payable) under sponsorship coverage under another policy. In other words, if there is more than one policy that includes sponsorship coverage, the coverages may be stacked, and the limits of the sponsorship coverage may not be reduced by amounts paid (or payable) under liability coverage under the same or another motor vehicle insurance policy.

Also, I thought that, of the paragraphs cited by Attorney Pitts under s. 632.32 (5), only s. 632.32 (5) (f) and (j) are relevant to the issue of reducing the limits of the sponsorship coverage. Paragraphs (b) and (c) relate to coverage of motor vehicle handlers (such as dealers, repair shops, service stations) and coverage under a motor vehicle handler's insurance policy; par. (g) relates to the limits of uninsured and underinsured coverage for a person not using a motor vehicle at the time of an accident; par. (h) relates to the limits of medical payments coverage for a person not using a motor vehicle at the time of an accident; and par. (i) relates to reducing uninsured and underinsured coverage by other payments. None of these paragraphs seems relevant to reducing the limits of sponsorship coverage, which is liability coverage, by other amounts paid. If you see a problem with leaving any of these paragraphs out, however, please let me know.

Pamela J. Kahler Senior Legislative Attorney Phone: (608) 266–2682

E-mail: pam.kahler@legis.state.wi.us

Mentkowski, Annie

From:

Stoll, Joanna

Sent:

Tuesday, July 29, 2003 8:40 AM

To:

LRB.Legal

Subject:

Draft review: LRB 03-2157/2 Topic: Require insurers to offer sponsorship coverage (for driver

license sponsorship for underage children)

It has been requested by <Stoll, Joanna> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-2157/2 Topic: Require insurers to offer sponsorship coverage (for driver license sponsorship for underage children)